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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TORRE D. TAYLOR,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
-----X

BROOKLYN OFFICE

DECISION & ORDER
16-CV-6242 (WFK)

WILLIAM F. KUNTZ II, United States District Judge:

Torre D. Taylor ("Plaintiff"), proceeding *pro se*, filed this social security action on November 2, 2016. *See* Compl., ECF No. 1. Pursuant to this Court's order, Defendant served its dispositive motion for judgment on the pleadings on June 16, 2017. Plaintiff was to file his opposition to Defendant's motion by August 15, 2017. Plaintiff failed to file his response by that date. On May 17, 2019, this Court issued an order directing Plaintiff to file his response or to show cause by June 14, 2019 why Defendant's motion should not be granted, and his case dismissed. On June 14, 2019, Plaintiff filed a motion to appoint counsel. The Court denied Plaintiff's motion and again ordered Plaintiff to file a response or to show cause by August 16, 2019 why Defendant's motion should not be granted and his case dismissed. To date, Plaintiff has not filed any response.

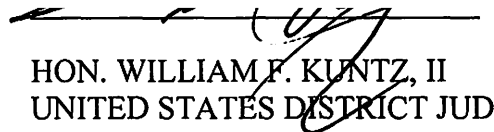
Rule 41(b) of the Federal Rules of Civil Procedure provide, in relevant part, "[f]or failure of the plaintiff to prosecute or to comply with . . . any order of the court, a defendant may move for dismissal of an action or any claim against the defendant." A district court has the inherent power to dismiss a case with prejudice for lack of prosecution pursuant to Rule 41(b). *See Link*

v. Wabash R.R. Co., 360 U.S. 626, 629 (1962). By failing to respond to Defendant's motion and to comply with this Court's orders twice directing him to explain why his complaint should not be dismissed, Plaintiff has failed to pursue the claim. Therefore, the Court concludes Plaintiff's noncompliance warrants dismissal, and that such dismissal be without prejudice given Plaintiff's *pro se* status.

For the foregoing reasons, the above-captioned action is hereby DISMISSED without prejudice for failure to prosecute pursuant to Rule 41(b). The Clerk of Court is directed to close this case.

SO ORDERED.

s/WFK


HON. WILLIAM F. KUNTZ, II
UNITED STATES DISTRICT JUDGE

Dated: August 21, 2019
Brooklyn, New York